

Notice of Allowability

Application No.

09/965,562

Examiner

Peter Poltorak

Applicant(s)

GORDON ET AL.

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to telephone communication with Kevin Zilka on 4/28/06.
2. ☒ The allowed claim(s) is/are 1, 4-6, 9, 10, 13, 19, 20, 23, 27-29, 44 and 47-49.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

James R. Zilka
JAMES R. ZILKA
PATENT ATTORNEY

Examiner Amendment included
with the Statement of Reasons for
Allowance

DETAILED ACTION

1. This Office Action is in response to Applicant's amendment filed on 2/15/06.
2. Claims 1, 9-10, 13, 19 and 27 have been amended.
3. Claims 2-3, 7-8, 11-12, 14-18, 21-22, 24-26, 30-41 and 45 have been canceled.
4. New claims 46-49 have been added.

Examiner Amendment

5. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the Issue Fee.

The following changes were authorized (and permission to make same by Authorization for this Examiner's Amendment was given in a telephone interview with Kevin Zilka on 4/28/06).

6. Please cancel claims 42-43 and 46 and replace claims 1, 19-20 and 27 as follows:

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1. A method for certifying that e-mail sent from a computer is free from viruses identified by an anti-virus database, the method comprising:
 - scanning an e-mail for viruses before the e-mail is sent from the computer;
 - attaching a certificate identifying the e-mail as being scanned for viruses if no viruses are found during scanning;

wherein the certificate includes an entity selected from the group consisting of a company logo, an icon, and a water marked seal; and
sending the e-mail with the certificate from the computer to a recipient computer;
wherein the certificate includes a link to a web site, the web site describing the virus scanning performed on the e-mail by including a type and a version of a virus scanner utilized in scanning the e-mail for viruses, in addition to information on obtaining digital signature verification software ~~that can be utilized for~~ in reading a digital signature added to the e-mail if no viruses are found;
wherein the computer is a network server; wherein attaching the certificate comprises attaching the certificate at the server;
wherein the virus scanner is incorporated within a mail application that is utilized in creating the email;
wherein the email received at the recipient computer displays certificate and only displays the digital signature if the digital signature verification software is installed on the recipient computer.

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19.A system for certifying that e-mail sent from a computer is free from viruses identified by an anti-virus database, the system comprising:
an anti-virus application ~~operable~~ configured to scan e-mails;

a certification application ~~operable~~ configured to add a certificate to the e-mail identifying the e-mail as being scanned for viruses if no viruses are found during scanning;

wherein the certificate includes an entity selected from the group consisting of a company logo, an icon, and a water marked seal; and

a storage medium ~~operable~~ configured to store the anti-virus database ~~for use~~d by the antivirus application;

wherein the certificate includes a link to a web site, the web site describing the virus scanning performed on the e-mail by including a type and a version of the anti-virus application utilized in scanning the e-mail for viruses, in addition to information on obtaining digital signature verification software ~~that can be utilized for~~ in reading a digital signature added to the e-mail if no viruses are found;

wherein the computer is a network server;

wherein adding the certificate comprises adding the certificate at the server;

wherein the anti-virus application is incorporated within a mail application that is utilized in creating the e-mail;

wherein the email received at the a recipients computer displays the certificate and only displays the digital signature if the digital signature verification software is installed on the recipient computer.

20. The system of claim 19 further comprising a processor operable to send the e-mail to a the recipient computer.

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27. A computer product for certifying that e-mail sent from a computer is free from

viruses identified by an anti-virus database, the product comprising:

computer code that scans an, e-mail for viruses before the e-mail is sent from the computer;

computer code that attaches a certificate identifying the e-mail as being scanned for viruses if no viruses are found during scanning;

computer code that sends the e-mail with the certificate from the computer to a recipient computer;

wherein the certificate includes an entity selected from the group consisting of a company logo, an icon, and a water marked seal; and

a computer readable medium that stores said computer codes;

wherein the certificate includes a link to a web site, the web site describing the virus scanning performed on the e-mail by including a type and a version of a virus scanner utilized in scanning the e-mail for viruses, in addition to information on obtaining digital signature verification ~~so that can be~~ utilized for in reading a digital signature added to the e-mail if no viruses are found;

wherein the computer is a network server;

wherein attaching the certificate comprises attaching the certificate at the server;

wherein the virus scanner is incorporated within a mail application that is utilized in creating the email;

wherein the email received at the recipient computer displays the certificate and only displays the digital signature if the digital signature verification software is installed on the recipient computer.

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Examiner's Statement of Reasons for Allowance

7. Claims 1, 4-6, 9-10, 13, 19-20, 23, 27-29, 44, 47-49 are allowed.
8. The following is a statement of reasons for the indication of allowable subject matter.
9. The closest prior art AVG (AVG anti-virus) (<http://www.grisoft.com>) refers to displaying a certificate certifying that email was scanned and found virus free.
10. AVG does not disclose that the email received at the recipient computer displays digital signature only if the digital signature verification software is installed on the recipient computer, does not disclose the web site describing information on obtaining digital signature verification software in reading a digital signature added to the e-mail if no viruses are found and that the certificate includes an entity selected from the group consisting of a company logo, an icon, and a water marked seal.
11. Introducing these limitations would not have been obvious to one of ordinary skill in the art.


The prior art, fails to anticipate or fairly suggest the limitation of applicant's independent claims, in such a manner that a rejection under 35 U.S.C. 102 or 103

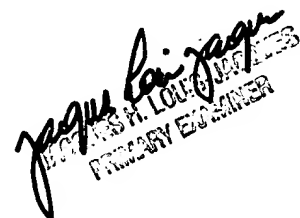
would be proper. As a result the claimed invention is considered to be in condition for allowance as being novel and non-obvious over prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on statement of Reasons for Allowance".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Poltorak whose telephone number is (571) 272-3840. The examiner can normally be reached from Monday through Thursday from 9:00 until 5:00, and every other Friday from 9:00 until 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis Jacques can be reached on (571)272-6962. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-1600.


5/10/06


JACQUES M. LOUIS JACQUES
PRIMARY EXAMINER